

REMARKS

Claims 1-48 were pending in the Office Action. Upon entry of the present paper, claims 1, 7, 12, 16 and 41-46 are amended; claims 26-28 are canceled; and new claims 49-82 are added. No new matter is introduced by these amendments, as support may be found, among other places, at pages 8, 13 and 14 of the specification.

The Office Action treated the pending claims as follows:

- claims 1-48 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite with respect to the use of the phrase “predetermined sequence;”
- claims 1-11, 21-23, 28, 33-35, 42-44 and 46-48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DIG35 Specification Metadata for Digital Images version 1.0, by Digital Imaging Group, Inc. (“DIG”); and
- claims 12-20, 24-27, 29-32, 36-41 and 45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged combination of DIG and Delorme et al. (U.S. Patent No. 6,321,158).

Applicant respectfully traverses these rejections, especially insofar as they may be applied to the claims as amended.

Turning first to the rejection under 35 U.S.C. 112, second paragraph, although Applicant respectfully submits that the previous claims were definite, Applicant has amended the independent claims herein to recite a “predetermined time sequence,” thereby obviating the grounds of that rejection.

Independent Claim 1, and Dependent Claims 2-25 and 29-40

Amended independent claim 1 recites, among other features, the following:

displaying at said user equipment a version of said image with said visual effect on a display of the user equipment and the image without said visual effect on the display in a predetermined time sequence

The Office Action cites the DIG metadata as allegedly showing a visual effect, and refers to the left-hand side of DIG Figure 2-5 as allegedly showing the DIG image (the picture of the dog) in a predetermined sequence with the “Image Metadata” item illustrated below the image. As an initial matter, Figure 2-5 in DIG is not a screenshot, and DIG does not suggest that the left-hand portion of Figure 2-5 will ever be displayed at a user equipment. The left-hand side of Figure 2-5 is just a conceptual illustration of DIG’s metadata interchange model, and the “Image Metadata” item shown below the picture of the dog on the left-hand side of the figure does not actually appear on a display below the picture of the dog. See, e.g., DIG, p. 6. Indeed, the Office Action concedes that DIG does not expressly teach even the alleged predetermined side-by-side arrangement of the metadata and image. Office Action, p. 4.

Nevertheless, Applicant has amended claim 1 to recite a predetermined time sequence. DIG does not show the predetermined side-by-side arrangement alleged in the Office Action, and DIG does not teach or suggest the display of the recited predetermined time sequence.

Accordingly, Applicant respectfully submits that amended independent claim 1 distinguishes over DIG. The secondary reference, Delorme et al., is not cited to show the predetermined sequence, and does not teach or suggest any modification to DIG that would overcome the deficiency identified above. Amended independent claim 1

distinguishes over the applied references. Claims 2-25 and 29-40 depend from claim 1, and are distinguishable for at least the same reasons as claim 1, and further in view of the various features recited therein.

The Remaining Claims 41-48

The remaining independent claims 41, 42, 45 and 46 also have been amended to recite a predetermined time sequence, although the recitations are in different contexts. The rejections of these claims all rely on the same portion of DIG, and the same alleged predetermined sequence, discussed above with respect to claim 1. The discussion above distinguishes claim 1's predetermined time sequence, and Applicant respectfully submits that the predetermined time sequence in the remaining independent claims is also distinguishable for similar reasons.

Claims 43-44 and 47-82 depend from one of these remaining independent claims, and as such, are distinguishable for at least the same reasons as their base independent claim, and further in view of the various features recited therein.

Conclusion

For at least the foregoing reasons, the pending claims are believed to distinguish over the applied references. If, however, the Examiner feels that additional discussion and/or amendment would be helpful, the Examiner is invited to telephone the Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

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